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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,062	08/22/2003	Hongsheng Zhong	018360-254508	9710
826	7590	05/15/2007	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	
			MAIL DATE	DELIVERY MODE
			05/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4-8, 31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 31, each recites the limitation "assignment" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 31 recites "grid segment visiting frequency represents a comparison between a number of stops in said grid segment by said driver during said reference period and a total number of stops by said staff of drivers during said reference period". It is unclear how such the comparison can be done during a reference period.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 31, and 32 are rejected under 35 U.S.C. 102 (b) as being anticipated by Westerlage et al. (US 5970481A).

Westerlage et al. teaches a system/method of optimizing a route plan having a plurality of routes within a service territory comprising: dividing said service territory into a plurality of unassigned cells (figure 2, each region is divided into a plurality of unassigned cells), wherein a subset of said unassigned cells is associated with a grid segment (figure 2, 1, 2, 3 are subset of said cells); identifying from among a staff of drivers a most frequent driver for the grid segment based upon a grid segment visiting frequency calculated for said grid segment and each of said drivers during a reference period (figure 1, dispatch 30 monitors the position of vehicle 20 in specified region via the information received from the mobile unit 22 of the vehicle 20), and classifying said subset of said unassigned cells associated with said grid segment as a core cell and assigning each said core cell to said identified most frequent driver (column 10, lines 37-49), if said grid segment visiting frequency calculated for said cell and said most

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frequent driver is greater than said minimum grid segment visiting frequency limit,

***Allowable Subject Matter***

Claims 4-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusions***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C. To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner,

A handwritten signature in dark ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

May 12, 2007